

IN THE SENATE

SENATE BILL NO. 1277

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO THE EXCHANGE OF STATE LAND; AMENDING SECTION 58-138, IDAHO CODE, TO REMOVE CERTAIN PROVISIONS RELATING TO THE EXCHANGE OF STATE LANDS, TO PROVIDE AN EXCEPTION TO EXCHANGE PROVISIONS FOR CERTAIN LANDS, TO PROVIDE FOR THE EXCHANGE OF LANDS KNOWN AS "COTTAGE SITES," TO CLARIFY WHAT THE EXCHANGE OF STATE LANDS MEANS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 58-138, Idaho Code, be, and the same is hereby amended to read as follows:

58-138. EXCHANGE OF STATE LAND. (1) The state board of land commissioners may at its discretion, when in the state's best interest, exchange, and do all things necessary to exchange fee simple title to include full surface and mineral rights, to any of the state lands now or hereafter held and owned by this state for ~~similar~~ lands of equal value, public or private, ~~so as to consolidate state lands or aid the state in the control and management or use of state lands~~ excepting lands that have as their primary value buildings or other structures, unless said buildings or other structures are continually used by a public entity for a public purpose. Land that the state owns known as "cottage sites" can be exchanged for lands of equal value, public or private. As used in this section, an exchange of state lands means a transaction in which the state conveys land to another person, persons, entity or entities, and receives land in return, even if the land received by the state is conveyed by a person, persons, entity or entities other than the person, persons, entity or entities to whom the state conveyed the state land, and even if the state land is sold after the exchange is completed pursuant to an agreement that predated the exchange.

(2) Provided further the state board of land commissioners may, in its discretion, hereafter grant and receive less than fee simple title, and grant or allow such reservations, restrictions, easements or such other impairment to title as may be in the state's best interest.

(3) No exchanges shall be made involving leased lands except upon the written agreement of the lessee.

(4) Subject to the approval of the state board of land commissioners, the first lease on lands acquired through land exchange and in lieu selections shall be offered to the present user, lessee, or permittee of the land, provided that the present user agrees in writing to enter into a contractual management program through which the resource values of the land may be enhanced or improved for the purpose of increasing the income to the endowed institutions.